

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

APR 16 2017

Clerk, U.S. District Court
District Of Montana
Billings

ANGELA LOPEZ,

Plaintiff,

vs.

EXTENDED STAY AMERICA #7065
ESA P PORTFOLIO, LLC, ESA P
PORTFOLIO OPERATING LESSEE,
LLC, formerly known as ESA P
PORTFOLIO OPERATING LESSEE,
INC. as subsidiaries of ESH
HOSPITALITY HOLDINGS, LLC,
ESA MANAGEMENT LLC, successor
in interest to HVM, LLC John Doe,
ESA, LLC and EXTENDED STAY
AMERICA, INC.,

Defendants.

CV 16-150-BLG-SPW

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS

Before the Court are United States Magistrate Judge Timothy Cavan's Findings and Recommendations filed on March 28, 2017. (Doc. 10). Judge Cavan recommends that this Court deny the Plaintiff's Motion to Remand (Doc. 6).

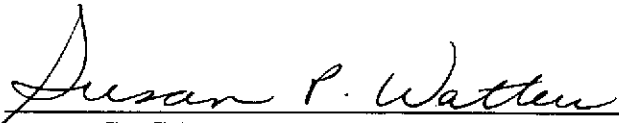
Pursuant to 28 U.S.C. § 636(b)(1), the parties were required to file written objections within 14 days of the filing of Judge Cavan's Findings and Recommendations. No objections were filed. When neither party objects, this Court reviews Judge Cavan's Findings and Recommendations for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendations, this Court does not find that Judge Cavan committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by United States Magistrate Judge Cavan (Doc. 10) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Plaintiff Angela Lopez’s Motion to Remand (Doc. 6) is DENIED.

DATED this 19th day of April, 2017.



SUSAN P. WATTERS
United States District Judge